

HOUSE No. 1777

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>

HOUSE No. 1777

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 1777) of Martha M. Walz and others for legislation to provide treble damages to employees for employer violations of certain labor laws. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1411 OF 2011-2012.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
—————

An Act regarding treble damages.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to revise employee claims and awards for damages, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 27 of chapter 149 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
3 thereof the following paragraph:-

4 Any employee claiming to be aggrieved by a violation of this section may, at the
5 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
6 attorney general assents in writing, and within 3 years after the violation, institute and prosecute
7 in his own name and on his own behalf, or for himself and for others similarly situated, a civil
8 action for injunctive relief, for any damages incurred, and for any lost wages and other benefits.
9 Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be
10 awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall
11 also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that
12 any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be

13 awarded damages as determined by the court for any lost wages and other benefits and may also
14 be awarded the costs of the litigation and reasonable attorneys' fees.

15 SECTION 2. Section 27F of said chapter 149, as so appearing, is hereby amended by
16 striking out the last paragraph and inserting in place thereof the following paragraph:-

17 Any employee claiming to be aggrieved by a violation of this section may, at the
18 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
19 attorney general assents in writing, and within 3 years after the violation, institute and prosecute
20 in his own name and on his own behalf, or for himself and for others similarly situated, a civil
21 action for injunctive relief, for any damages incurred, and for any loss of wages and other
22 benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is
23 willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits
24 and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided,
25 however, that any employee so aggrieved who prevails in such an action shall, if the violation is
26 not willful, be awarded damages as determined by the court for any lost wages and other benefits
27 and may also be awarded the costs of the litigation and reasonable attorneys' fees.

28 SECTION 3. Section 27G of said chapter 149, as so appearing, is hereby amended by
29 striking out the last paragraph and inserting in place thereof the following paragraph:-

30 Any employee claiming to be aggrieved by a violation of this section may, at the
31 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
32 attorney general assents in writing, and within 3 years after the violation, institute and prosecute
33 in his own name and on his own behalf, or for himself and for others similarly situated, a civil
34 action for injunctive relief, for any damages incurred, and for any lost wages and other benefits.
35 Any employee so aggrieved who prevails in such an action shall if the violation is willful, be
36 awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall
37 also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that
38 any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be
39 awarded damages as determined by the court for any lost wages and other benefits and the
40 employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

41 SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by
42 striking out the last paragraph and inserting in place thereof the following paragraph:-

43 Any employee claiming to be aggrieved by a violation of this section may, at the
44 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
45 attorney general assents in writing, and within 3 years after the violation, institute and prosecute
46 in his own name and on his own behalf, or for himself and for others similarly situated, a civil
47 action for injunctive relief, for any damages incurred, and for any lost wages and other benefits.
48 Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be
49 awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall

50 also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that
51 any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be
52 awarded damages as determined by the court for any lost wages and other benefits and may also
53 be awarded the costs of the litigation and reasonable attorneys' fees.

54 SECTION 5. Section 150 of said chapter 149, as so appearing, is hereby amended by
55 striking out the last paragraph and inserting in place thereof the following paragraph:-

56 Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B,
57 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the
58 filing of a complaint with the attorney general, or sooner if the attorney general assents in
59 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
60 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
61 any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved
62 and who prevails in such an action shall, if the violation is willful, be awarded treble damages, as
63 liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of
64 the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved
65 who prevails in such an action shall, if the violation is not willful, be awarded damages as
66 determined by the court for any lost wages and other benefits and may also be awarded the costs
67 of the litigation and reasonable attorneys' fees.